

AMENDMENTS

IN THE CLAIMS:

Please substitute the following Claim 1 for the previously submitted Claim 1:

1. (twice amended) A method of specifically activating cytotoxic T lymphocytes *in vivo*, wherein said cytotoxic T lymphocytes (CTLs) specifically target malignant cells that express a Her-2/Neu protein, the method comprising the step of immunizing an animal with the polypeptide of SEQ ID NO:10.

Attached hereto is the Appendix showing the changes made to the claim.

REMARKS

Support for new claim 1 can be found throughout the specification and in particular at pages 101-111. No new matter has been added to the application as a result of this Preliminary Amendment.

In the Office Action dated August 29, 2001, the Examiner rejected claim 1 of the parent application for an alleged lack of enablement and as being anticipated by two cited references (Cheever et al. and Grey et al.). Applicant does not acquiesce to those rejections and maintains the arguments of record.

Neither of these rejections applies to the presently pending claim 1 as amended. None of the art cited and relied upon by the Examiner discloses or suggests a method of activating cytotoxic T